IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 18333 of 2004(G)

PETITIONER:

A.P.ARUMUGHAN, S/O.KARAPPUNNI,
AYIRAPARAMBIL HOUSE, POROORKARA,
EDAPPAL, MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:

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1. THE COMMISSIONER OF LAND REVENUE,
TRIVANDRUM.

2. DISTRICT COLLECTOR, MALAPPURAM.

3. TAHSILDAR, PONNANI, MALAPPURAM
DISTRICT.

BY GOVERNMENT PLEADER SMT.SMITHA SUKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF JUDGMENT OF THIS HON'BLE COURT DT.3.8.2001 IN O.P. 22978/2001.

P2: TRUE COPY OF ORDER IN WPC NO.35950/03 DT.17.11.2003.

P3: TRUE COPY OF THE REVISION PETITION FILED BY THE PETITIONER BEFORE THE GOVT. ON 17.12.2003.

P4: TRUE COPY OF ORDER OF R1 DT.25.3.2004.

P5: TRUE COPY OF SALE NOTICE ISSUED BY R3 DT.18.5.2004.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.18333 of 2004

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Dated this the 28th day of November, 2007.

JUDGMENT

The petitioner is in this court with the 4th W.P. challenging the very same recovery proceedings initiated against him for recovery of loss sustained in an abkari auction held in 1968-69. The petitioner participated in the toddy shop auction in 1968-69. Though his bid was accepted for four shops in Ponnani Range on a total consideration of around Rs.37,000/-, petitioner could not remit even 15% of the bid amount as condition for grant of licence and consequently reauction was done and Government sustained a loss of Rs.16,828/- which according to the conditions of auction was recoverable from the petitioner. It is conceded in the counter affidavit that revenue recovery proceedings was first initiated against the petitioner nearly after 10 years from the relevant year for which compensation is claimed. In the revenue recovery proceedings initiated in 1978, the Revenue authorities found that petitioner had no land of his own but had only half share in 62 cents of land which was sold on 25.3.1981 and an amount of Rs.1,500/- was recovered from the petitioner. It is not known as to what happened for the next 20 years i.e. until revenue recovery proceedings initiated again on

21.7.2001 by the District Collector, Malappuram on information that petitioner has 39 cents of land in his own name in Edappal Village. The recovery proceedings initiated afresh in 2001 was under contest in three writ petitions and pursuant to direction issued by this court, petitioner has been filing representations which have not culminated in any final orders.

2. Having regard to the fact that petitioner has already been deprived of 31 cents of land i.e. half share in 62 cents of land in 1981 and such sale has become final and the inordinate delay in proceeding with recovery which is now reaching almost 30 years and having regard to the trivial amount involved, I feel finality is required in the interest of justice. In the circumstances and having regard to the general amnesty norms granted by the Government i.e. settling liability on remittance of twice the amount of balance liability, I dispose of the W.P. granting facility to the petitioner to settle the balance liability on remittance of Rs.30,656/- which is double the amount of balance liability due to the Government on condition that petitioner will make payment before 31.1.2008. If the above amount is paid, respondents will treat the entire matter as settled and on payment, the entire recovery proceedings will be recalled.

C.N.RAMACHANDRAN NAIR
Judge

pms